

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|   |   |                                 |
|---|---|---------------------------------|
| <b>IN RE:</b>                                     | : |                                 |
| <b>VICTOR M. SOSA</b>                             | : | <b>BK. No. 18-16251-mdc</b>     |
| <b>Debtors</b>                                    | : |                                 |
|   | : | <b>Chapter No. 13</b>           |
| <b>SANTANDER BANK, N.A.</b>                       | : |                                 |
| <b>Movant</b>                                     | : |                                 |
| <b>v.</b>   | : |                                 |
| <b>VICTOR M. SOSA</b>                             | : |                                 |
| <b>DEANNA DIMEMMO-SOSA (Non-Filing Co-Debtor)</b> | : | <b>11 U.S.C. §362 AND §1301</b> |
| <b>Respondents</b>                                | : |                                 |
|   | : |                                 |

**MOTION OF SANTANDER BANK, N.A. FOR RELIEF FROM AUTOMATIC STAY  
UNDER §362 AND CO-DEBTOR STAY UNDER §1301**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor VICTOR M. SOSA AND (Non-Filing Co-Debtor) DEANNA DIMEMMO-SOSA.

1. Movant is **SANTANDER BANK, N.A..**
2. Debtor, VICTOR M. SOSA AND (Non-Filing Co-Debtor) DEANNA DIMEMMO-SOSA are the owners of the premises located at **2121 BRANDYWINE STREET, PHILADELPHIA, PA 19130**, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
5. Movant institutd foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
6. The foreclosure proceedings instituted were stayed by the filing of the instant Chapter 13 Petition.
7. As April 15, 2019, Debtor has failed to tender post-petition mortgage payments for the months of February 2019 through April 2019. The monthly payment amount for the months of February 2019 through April 2019 is \$3,355.23 each, for a total amount due of \$10,065.69. The next

payment is due on or before May 1, 2019 in the amount of \$3,355.23. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

9. Movant additionally seeks relief from the Co-Debtor Stay under §1301(c) (if applicable) in the instant case, as the continuation of the co-debtor stay causes irreparable harm to the Movant. Movant may be barred from moving forward with its state court rights under the terms of the mortgage without relief from the Co-Debtor Stay

10. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

11. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

12. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under Section 362 with respect to **2121 BRANDYWINE STREET, PHILADELPHIA, PA 19130** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. That relief from any Co-Debtor Stay (if applicable) is hereby granted; and

c. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

- d. waiving Federal Rule of Bankruptcy Procedure 3002.1; and
- e. Granting any other relief that this Court deems equitable and just.

/s/ Robert J. Davidow, Esquire

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